

119TH CONGRESS
1ST SESSION

H. R. 3185

To amend title 38, United States Code, to require a notation in the personnel record file of certain employees of the Department of Veterans Affairs who resign from Government employment under certain conditions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2025

Mr. SCOTT FRANKLIN of Florida introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to require a notation in the personnel record file of certain employees of the Department of Veterans Affairs who resign from Government employment under certain conditions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Personnel Integrity
5 in Veterans Affairs Act of 2025”.

1 **SEC. 2. SUBMISSION TO CONGRESS OF ANNUAL PERFORM-**
 2 **ANCE PLANS FOR DEPARTMENT OF VET-**
 3 **ERANS AFFAIRS POLITICAL APPOINTEES.**

4 Section 725 of title 38, United States Code, is
 5 amended—

6 (1) by redesignating subsection (c) as sub-
 7 section (d); and

8 (2) by inserting after subsection (b) the fol-
 9 lowing new subsection (c):

10 “(c) SUBMISSION TO CONGRESS.—Not later than 30
 11 days after the date of the completion of an annual per-
 12 formance under subsection (a), the Secretary shall submit
 13 the plan to the Committees on Veterans’ Affairs of the
 14 Senate and House of Representatives.”.

15 **SEC. 3. NOTATION IN DEPARTMENT OF VETERANS AFFAIRS**
 16 **EMPLOYEE PERSONNEL RECORD FILE OF**
 17 **PERSONNEL INVESTIGATION REQUIRED.**

18 (a) IN GENERAL.—Subchapter I of chapter 7 of title
 19 38, United States Code, is amended by adding at the end
 20 the following new section:

21 **“§ 729. Notation in Department of Veterans Affairs**
 22 **employee personnel record file of eligible**
 23 **personnel investigation**

24 “(a) NOTATION REQUIRED.—Notwithstanding sec-
 25 tion 3322 of title 5 or chapter 74 of this title, with respect
 26 to a covered employee who is the subject of an eligible

1 personnel investigation and who resigns, retires, transfers,
2 or otherwise separates from employment with the Depart-
3 ment prior to the resolution of such eligible personnel in-
4 vestigation, the Secretary shall—

5 “(1) continue such eligible personnel investiga-
6 tion until it is completed; and

7 “(2) not later than 40 days after the date such
8 eligible personnel investigation is completed, make a
9 permanent notation of such eligible personnel inves-
10 tigation in the official personnel record file of such
11 covered employee.

12 “(b) CERTAIN CONSIDERATION PROHIBITED.—In
13 carrying out an eligible personnel investigation, the Sec-
14 retary may not consider the resignation, retirement, trans-
15 fer, or any other separation from employment with the De-
16 partment of the covered employee subject to such eligible
17 personnel investigation.

18 “(c) NOTIFICATION REQUIRED.—Prior to making a
19 permanent notation in the official personnel record of a
20 covered employee under subsection (a), the Secretary
21 shall—

22 “(1) notify the employee in writing within 5
23 days of the resolution of the eligible personnel inves-
24 tigation and provide such covered employee a copy

1 of the adverse finding and any supporting docu-
2 mentation;

3 “(2) provide the covered employee with a rea-
4 sonable time, but not less than 30 days, to respond
5 in writing and to furnish affidavits and other docu-
6 mentary evidence to show why the adverse finding
7 was unfounded (a summary of which shall be in-
8 cluded in any notation made to the personnel file of
9 such employee under subsection (e)); and

10 “(3) provide a written decision and the specific
11 reasons therefore to the employee at the earliest
12 practicable date.

13 “(d) RIGHT TO APPEAL.—A covered employee is en-
14 titled to appeal the decision of the Secretary to make a
15 permanent notation under subsection (a) to—

16 “(1) the Merit Systems Protection Board under
17 section 7701 of title 5; and

18 “(2) a Disciplinary Appeals Board under sec-
19 tion 7464 of this title.

20 “(e) NOTATION OF APPEAL.—(1) If a covered em-
21 ployee files an appeal with the Merit Systems Protection
22 Board pursuant to subsection (c), the Secretary shall
23 make a notation in the official personnel record file of the
24 covered employee indicating that an appeal disputing the

1 notation is pending not later than 2 weeks after the date
2 on which such appeal was filed.

3 “(2) If the Secretary is the prevailing party on ap-
4 peal, not later than 2 weeks after the date that the Board
5 issues the appeal decision, the Secretary shall remove the
6 notation made under paragraph (1) from the official per-
7 sonnel record file of the covered employee.

8 “(3) If the covered employee is the prevailing party
9 on appeal, not later than 2 weeks after the date that the
10 Board issues the appeal decision, the Secretary shall re-
11 move the notation made under paragraph (1) and the no-
12 tation of an adverse finding made under subsection (a)
13 from the official personnel record file of the covered em-
14 ployee.

15 “(f) DEFINITIONS.—In this section:

16 “(1) The term ‘covered employee’ means an em-
17 ployee in the competitive service, the excepted serv-
18 ice, or the Senior Executive Service within the De-
19 partment.

20 “(2) The term ‘eligible personnel investiga-
21 tion’—

22 “(A) means a personnel investigation that
23 commences not later than 60 days after the
24 date on which the covered employee subject to
25 such personnel investigation resigns, retires,

transfers, or otherwise separates from employment with the Department; and

“(B) includes—

“(i) an investigation by an Inspector General; and

“(ii) a prospective investigation that may recommend an adverse personnel action as a result of alleged performance, misconduct, or for such cause as will promote the efficiency of the service under—

“(I) chapter 43 of title 5;

“(II) chapter 75 of such title;

“(III) chapter 74 of this title; or

“(IV) section 501 of this title;

“(iii) an adverse personnel action as a result of performance, misconduct, or for such cause as will promote the efficiency of the service under the provisions specified in subclauses (I) through (IV) of clause (ii);

“(iv) an internal investigation carried out by the Secretary, including through—

“(I) the Office of Accountability and Whistleblower Protection of the Department;

1 “(II) the Office of the Medical
2 Inspector of the Veterans Health Ad-
3 ministration; and

4 “(III) the General Counsel of the
5 Department; and

6 “(v) an investigation carried out by
7 the head of any other Federal agency re-
8 sponsible for investigation allegations of
9 employee misconduct, including the head
10 of—

11 “(I) the Office of the Special
12 Counsel; and

13 “(II) the Equal Employment Op-
14 portunity Commission.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 728 the following new
18 item:

“729. Notation in Department of Veterans Affairs employee personnel
record file of personnel investigation.”.

